

25. (newly added) A method in accordance with Claim 1 wherein generating at least one problem area data set based upon the comparison of the collected and standard data recommending comprises determining shipment damage locations.

26. (newly added) A method in accordance with Claim 1 wherein recommending business activities relating to managing the transportation business entity comprises determining at least one of an insurance claim type, a quantity of insurance claims, and a risk profile of at least one of a transportation carrier, railcar car, and a route.

27. (newly added) A method in accordance with Claim 1 wherein recommending business activities relating to managing the transportation business entity comprises providing real-time transportation entity management with real-time transportation system-wide problem area data sets.

28. (newly added) A system in accordance with Claim 11 comprising a management and decision making sub-system configured to provide transportation entity management with real-time transportation system-wide problem area data sets.

#### **REMARKS**

The Office Action mailed March 14, 2003 has been carefully reviewed and the foregoing amendment and following remarks have been made in consequence thereof. Submitted herewith is a Submission of Marked-up Claims.

Claims 1-28 are now pending in this application. Claims 1-20 stand rejected. Claims 21-28 are newly added.

The rejection of Claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Nickles et al. "Nickles" (U.S. Patent No. 6,144,901) is respectfully traversed.

Nickles describes a real-time locomotive engineer training tool that has the ability to display a real-time or "live" representation of a single train on the current track, the trackage ahead, the dynamic interaction of the cars and locomotives, and the current state of the pneumatic brake system. The system includes a number of subsystems each with specific duties, such as, a user interface that is the real-time display which shows a graphical and numerical representation of the current state of the train, radio communication is established between the lead locomotive, the trailing locomotives in the lead consist, and locomotives in

the remote consist to report the necessary parameters from each of these locomotives necessary to perform system calculations, a keyboard on the real-time display for entering consist information, a wired communication source (laptop PC or removable storage device) or via wayside radio communication, wheel movement sensors and a Global Positioning System (GPS) for determining train position, an input/output (I/O) concentrator gathers all of the various locomotive parameters necessary for algorithm calculations and a computer. Each locomotive in the train requires at a minimum, the I/O concentrator with communication capability to the head end. Notably, Nickles does not describe nor suggest a management and decision making sub-system configured to recommend business activities relating to managing the transportation business entity.

Claim 1 recites a method for managing a transportation system by a transportation business entity wherein the method includes “collecting at least one set of transportation data from at least one sub-system...comparing the at least one set of collected transportation data set to at least one standard transportation data...generating at least one problem area data set based upon the comparison of the collected and standard data...recommending business activities relating to managing the transportation business entity based on at least one of the generated problem area data set and the comparison of the collected and standard data.”

Nickles does not describe nor suggest a method for managing a transportation system by a transportation business entity wherein the method includes collecting at least one set of transportation data from at least one sub-system, comparing the at least one set of collected transportation data set to at least one standard transportation data, generating at least one problem area data set based upon the comparison of the collected and standard data, recommending business activities relating to managing the transportation business entity based on at least one of the generated problem area data set and the comparison of the collected and standard data. Specifically, Nickles does not describe nor suggest the step of recommending business activities relating to managing the transportation business entity based on at least one of the generated problem area data set and the comparison of the collected and standard data. Rather, Nickles describes a locomotive engineer training tool and method of optimizing a single train operation utilizing determined conditions of location, track profile and train forces of the train. Thus, Nickles teaches away from the present invention in that Nickles describes a tool and method that optimizes the operation of only a

single train, rather than a management and decision making sub-system that is configured to recommend business activities relating to managing the transportation business entity as is recited in Applicant's invention. For the reasons set forth above, Claim 1 is submitted to be patentable over Nickles.

Claims 2-10 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-10 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-10 likewise are patentable over Nickles.

Claim 11 recites a management system for managing a transportation system by a transportation business entity wherein the system includes at least one sub-system for collecting at least one set of transportation data...a sub-system for comparing the at least one set of collected transportation data set to at least one standard transportation data....a sub-system for generating at least one problem area data set based upon the comparison of the collected and standard data...a management and decision making sub-system that is configured to recommend business activities relating to managing the transportation business entity based on at least one of the generated problem area data set and the comparison of the collected and standard data.”

Nickles does not describe nor suggest a management system for managing a transportation system by a transportation business entity wherein the system includes at least one sub-system for collecting at least one set of transportation data, a sub-system for comparing the at least one set of collected transportation data set to at least one standard transportation data, a sub-system for generating at least one problem area data set based upon the comparison of the collected and standard data, and a management and decision making sub-system that is configured to recommend business activities relating to managing the transportation business entity based on at least one of the generated problem area data set and the comparison of the collected and standard data. Specifically, Nickles does not describe nor suggest a management and decision making sub-system that is configured to recommend business activities relating to managing the transportation business entity based on at least one of the generated problem area data set and the comparison of the collected and standard data. Rather, in contrast to the present invention, Nickles describes a locomotive engineer training tool and method of optimizing operations of only a single train utilizing determined conditions of location, track profile and train forces of the train. For the reasons set forth above, Claim 11 is submitted to be patentable over Nickles.

Claims 12-20 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 12-20 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 12-20 likewise are patentable over Nickles.

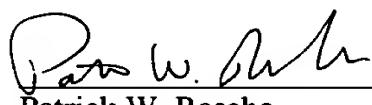
For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-20 be withdrawn.

Newly added Claims 21-27 depend directly or indirectly from independent Claim 1, which is submitted to be patentable over Nickles. When the recitations of Claims 21-24 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 21-27 likewise are patentable over Nickles.

Newly added Claim 28 depends from independent Claim 11, which is submitted to be patentable over Nickles. When the recitations of Claim 28 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claim 28 likewise is patentable over Nickles.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: McMullen et al.

Serial No.: 09/658,370

Filed: September 8, 2000

For: TOTAL TRANSPORTATION  
MANAGEMENT SYSTEM



Art Unit: 3626

Examiner: Kalinowski, Alexander

**SUBMISSION OF MARKED-UP CLAIMS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RECEIVED**

JUN 23 2003

**GROUP 3600**

Submitted herewith are marked up claims in accordance with 37 C.F.R.  
Section 1.121(c)(1)(ii).

**IN THE CLAIMS**

1. (once amended) A method for managing a transportation system by a  
transportation business entity, said method comprising the steps of:

*Sub*  
*At B1*  
collecting at least one set of transportation data from at least one sub-system;

comparing the at least one set of collected transportation data set to at least  
one standard transportation data; [ and ]

generating at least one problem area data set based upon the comparison of the  
collected and standard data; and

recommending business activities relating to managing the transportation  
business entity based on at least one of the generated problem area data set and the  
comparison of the collected and standard data.

11. (once amended) A management system for managing a transportation system by a transportation business entity, said system comprising:

at least one sub-system for collecting at least one set of transportation data;

*A2*  
a sub-system for comparing the at least one set of collected transportation data set to at least one standard transportation data; [ and]

*B1*  
a sub-system for generating at least one problem area data set based upon the comparison of the collected and standard data; and

a management and decision making sub-system that is configured to recommend business activities relating to managing the transportation business entity based on at least one of the generated problem area data set and the comparison of the collected and standard data.

PLEASE ADD THE FOLLOWING NEW CLAIMS

21. (newly added) A method in accordance with Claim 1 wherein generating at least one problem area data set based upon the comparison of the collected and standard data comprises identifying delays for each of at least one of a selected type of delay or failure.

*B3*  
22. (newly added) A method in accordance with Claim 21 wherein said selected type of delay comprises at least one of locomotive delays, railcar delays, maintenance delays and broken track delays.

*B1*  
23. (newly added) A method in accordance with Claim 21 wherein recommending business activities comprises sorting the identified delays based upon a magnitude of the delay.

24. (newly added) A method in accordance with Claim 1 wherein recommending business activities relating to managing the transportation business entity comprises at least one of predicting a life of a railcar and predicting a maintenance cost of the railcar over the life of the railcar.

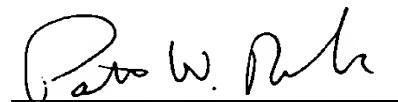
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